

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**ADMINISTRATIVE ORDER AND NOTICE OF RULE ADOPTION
PURSUANT TO P.L. 2020, c. 18**

VETERINARY PRACTICE

DCA Administrative Order No. 2020-10

Administrative Order and Temporary Rule Adoption by Paul R. Rodríguez, Acting Director,
Division of Consumer Affairs

Date: June 18, 2020

Authority: P.L. 2020, c. 18

Effective Date: June 18, 2020

Expiration Date: Concurrent with the end of the state of emergency or the public health emergency declared pursuant to Executive Order No. 103 (EO 103), whichever is later.

* * *

WHEREAS, on March 9, 2020, through EO 103, the facts and circumstances of which are adopted by reference herein, Governor Murphy declared both a public health emergency and a state of emergency throughout the State due to the public health hazard posed by coronavirus disease 2019 (COVID-19); and

WHEREAS, the public health emergency declared in EO 103 has been extended three times, through Executive Order No. 119 (2020), signed on April 7, 2020, through Executive Order No. 138 (2020), signed on May 6, 2020, and through Executive Order No. 151, signed on June 4, 2020, and continues to exist today; and

WHEREAS, on March 19, 2020, Governor Murphy signed into law P.L. 2020, c. 3, which authorized the Director of the Division of Consumer Affairs in the Department of Law and Public Safety and the Commissioner of Health to waive any requirement of state law or regulation as may be necessary to facilitate the provision of health care services using telemedicine and telehealth during the state of public emergency declared in response to COVID-19; and

WHEREAS, on March 21, 2020, through Executive Order No. 107 (EO 107), the facts and circumstances of which are adopted by reference herein, to further protect the health, safety and welfare of New Jersey residents, Governor Murphy ordered all New Jersey residents to remain home or at their place of residence, except in specifically enumerated, limited circumstances, and implemented social distancing requirements for individuals when in public; and

WHEREAS, the implementation of social distancing strategies in EO 107 was based upon the Centers for Disease Control and Prevention (CDC) recommendations that social distancing be employed to prevent community spread of the virus, as limiting unnecessary movement of individuals in and around communities as well as person-to-person interaction mitigates community spread, and the ongoing need to take all possible steps to preserve our health care system's capacity to treat those who require emergency or intensive care; and

WHEREAS, on March 23, 2020, through Executive Order No. 109 (EO 109), the facts and circumstances of which are adopted by reference herein, Governor Murphy suspended all medical and dental "elective" surgeries and "elective" invasive procedures on adults, defined as those that "can be delayed without undue risk to the current or future health of the patient," and excluding vaccines, based upon the need to minimize exposure of health care providers, patients and staff to COVID-19, as well as the need to conserve and manage health care resources, essential to combating the spread of the virus; and

WHEREAS, while EO 109 did not suspend the performance of elective surgeries and elective invasive procedures on animals at veterinary practices, many veterinarians voluntarily suspended elective surgeries and elective invasive procedures on their animal patients; and

WHEREAS, EO 109 obligated veterinarians to submit data on the Personal Protective Equipment (PPE) that they had on hand at the time, as that data was deemed essential to the State's health care system's preparedness to provide critical care to patients; and

WHEREAS, on April 22, 2020, the CDC issued Interim Infection Prevention and Control Guidance for Veterinary Clinics During the COVID-19 Response, intended for veterinarians and their staff providing care to animals, recommending that veterinary clinics postpone elective procedures, surgeries and non-urgent veterinary visits, while continuing to support sick and injured animals through telemedicine and/or curbside visits to facilitate preparedness and ensure practices would be in place to help people and animals stay safe and healthy; and

WHEREAS, the initial CDC guidance recommended the adoption of protocols designed to protect staff from the risk of person-to-person transmission, preserve PPE and provide veterinarians with then-current advice with respect to the treatment of animals with exposure to COVID-19; and

WHEREAS, on March 23, 2020, pursuant to the authority granted to the Director of the Division of Consumer Affairs under P.L. 2020, c. 3, I issued Waiver No. DCA-W-2020-06, which waived certain telehealth and telemedicine requirements set forth at N.J.S.A. 45:1-63(a)(3) pertaining to the establishment of a proper provider/patient relationship and N.J.S.A. 45:1-62(c) relating to the specific technological parameters for the type of communications devices to be used to facilitate broader use of telemedicine across all professions authorized to engage in telemedicine, including veterinarians; and

WHEREAS, on April 8, 2020, through Executive Order No. 122; on April 28, 2020, through Executive Order No. 125; on May 13, 2020, through Executive Order No. 142; on May 16, 2020, through Executive Order No. 146; on May 18, 2020, through Executive Order No. 147; and on May 29, 2020, through Executive Order No. 149, the facts and circumstances of which

Executive Orders are adopted by reference herein, Governor Murphy required various businesses that are authorized to be open to the public to adopt certain policies to mitigate spread of the virus, including requirements to implement adaptations to the physical space to facilitate social distancing and protocols to screen employees and individuals on the premises, mandate face coverings appropriate to the level of risk, compel frequent disinfection and sanitization and limit person-to-person contact, where feasible; and

WHEREAS, substantial efforts have been undertaken to ensure that health care system has an adequate supply of PPE; and

WHEREAS, on April 27, 2020, through Administrative Order No. 2020-10, Colonel Patrick J. Callahan, State Director of Emergency Management, exercising the discretion granted under Executive Order No. 107 to make additions to the list of essential retail businesses, ordered that pet grooming, pet daycare, and pet boarding businesses be considered essential businesses, provided they adopt in-person operation policies that include, at a minimum, social distancing practice; and

WHEREAS, on May 1, 2020, the CDC issued revisions to the Interim Infection Prevention and Control Guidance for Veterinary Clinics During the COVID-19 Response, clarifying PPE recommendations and providing guidance for case management so that, in the exercise of professional judgment, needed care for animals would continue to be provided, while limiting staff and client person-to person exposure and conserving PPE; and

WHEREAS, on May 15, 2020, through Executive Order No. 145 (EO 145), the facts and circumstances of which are adopted by reference herein, the Governor, in recognition of the decreasing burden on our health care system from COVID-19, rescinded the suspension of elective surgery and invasive procedures imposed by EO 109 with regard to human patients, effective at 5:00 a.m. on Tuesday, May 26, 2020, and determined that such procedures could be reasonably resumed subject to limitations and precautions that would not be necessary but for the continued effects of the COVID-19 pandemic; and

WHEREAS, on April 14, 2020, Governor Murphy signed into law P.L. 2020, c. 18, which permits the Director to issue administrative orders to suspend temporarily any provision of Title 45 of the Revised Statutes or suspend or modify temporarily any rule adopted pursuant to such authority or to adopt temporarily any rule relating to the practice of any profession licensed by a board in the Division, upon concurrence by the Attorney General, after determining that such order is necessary to promote the public welfare and further such other purposes of the state of emergency or public health emergency declared in EO 103; and

WHEREAS, public health, safety and welfare will be promoted by taking action to establish standards for the safe operation of veterinary offices, in the continued effort to mitigate the spread of COVID-19 by minimizing person-to-person interaction, limiting unnecessary exposure to COVID-19 for veterinarians and their staff, and ensuring that animals have access to meet all of their health care needs; and

NOW, THEREFORE, I, Paul R. Rodríguez, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the statutes of this State, and upon concurrence

by the Attorney General, determine that this ORDER is necessary to promote the public welfare and further such other purposes for which the state of emergency and the public health emergency were declared in EO 103 and hereby ORDER as follows:

COVID-19 Health and Safety Requirements for Veterinary Practice

Veterinarians are authorized to provide the full scope of veterinary services, including all urgent, non-urgent and routine veterinary services, and including spays and neuters, in an office setting, and shall comply with, and ensure that their staff comply with, the following requirements to: (1) avoid person-to-person contact with animal owners/clients (hereinafter “clients”); (2) facilitate social distancing within the office; (3) adopt enhanced office cleaning and disinfection; (4) establish rigorous protections for staff; and (5) stay informed about related developments and obligations.

1. Avoid person-to-person contact with animal owners/clients

- a. Utilize telemedicine to the greatest extent possible to triage patients and prioritize urgent visits.
- b. Tell clients who are COVID-19 positive or symptomatic that they should have a friend or family member outside the client’s household who is neither COVID-19 positive nor symptomatic bring the animal to the office.
- c. Require anyone bringing an animal to the veterinary office to wear, at a minimum, a cloth face covering, in accordance with CDC recommendations, while on the premises, except where doing so would inhibit the individual’s health or the individual is under two years of age. If the person bringing an animal to the veterinary office arrives without a cloth face covering, at a minimum, and is not exempt from this requirement, the office must either provide the individual a suitable face covering or decline entry to the individual.
- d. Space appointments as appropriate to minimize client-to-client contact and the number of people utilizing curbside service or in the office at any given time.
- e. Implement curbside drop-off and pick up procedures to the extent feasible by having clients call upon arrival and have a staff member retrieve and return the animal and, after the visit, call the client to discuss the treatment or care provided and follow-up needed.

2. Facilitate social distancing within the office

- a. Minimize clients’ contact with staff in the reception area during triage, check-in and check-out, or arrange the in-take area to ensure six feet between individuals, if curbside drop-off and pick-up are not feasible.
- b. Have staff members rather than clients hold animals to minimize direct contact between staff and clients, and to limit the number of individuals in examination and other rooms.

- c. Arrange for contactless patient registration and payment options, if feasible.
- d. Rearrange workspaces, to the extent feasible, to ensure that individuals maintain six feet or more distance between them wherever possible.
- e. Provide staff, where feasible, sufficient supplies and equipment (phones, computers, pens, paper, medical equipment) to avoid sharing. If sharing supplies is necessary, then, where feasible, implement a system of one time use and disinfection before re-use.

3. Adopt enhanced office cleaning and disinfection

- a. Allocate sufficient time between appointments to ensure ample periods for appropriate disinfection between provision of services.
- b. Follow CDC guidelines and clean and disinfect high-touch areas routinely, and after each use in accordance with CDC guidelines, particularly in areas that are accessible to staff or other individuals, including restroom facilities, toilet and sink knobs, countertops, door knobs, water fountains, shared medical equipment and other frequently touched surfaces and keep people and animals away until disinfection is completed, consistent with CDC guidance at <https://www.cdc.gov/coronavirus/2019-ncov/community/veterinarians.html>.
- c. Dispose of any medical waste produced during the care of animals that may be infected with SARS-CoV-2, consistent with CDC guidance at <https://www.cdc.gov/coronavirus/2019-ncov/community/veterinarians.html>.
- d. Allow all staff to have break time for repeated hand washing throughout the day and after removing PPE.
- e. Provide supplies for regular hand washing with soap and water, alcohol based hand rub with at least 60% to 95% alcohol or antiseptic hand wash and have staff practice respiratory hygiene (coughing and sneezing) and proper tissue usage etiquettes, and use no-touch receptacles for disposal.
- f. Remove from any waiting area materials (books, magazines, toys) that are intended to be reused and are difficult to disinfect. All children's play areas shall be closed.

4. Establish rigorous protections for staff

- a. Accommodate telework and work-from-home arrangements to the greatest extent possible, particularly for administrative staff who may be able to work remotely.
- b. Require staff to stay home if they are sick, and isolate them and send them home if they become sick at work.

- c. Direct all staff to wear, at a minimum, a cloth face covering within the office, except when doing so would inhibit the individual's health.
- d. Require staff to wear PPE, consistent with the level of risk, using professional judgment regarding the potential for exposure and PPE resource constraints, consistent with CDC guidance at <https://www.cdc.gov/coronavirus/2019-ncov/community/veterinarians.html>
- e. Optimize the supply of PPE if PPE is in short supply utilizing techniques as recommended in CDC's Strategies to Optimize the Supply of PPE and Equipment at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>.
- f. Train staff in the proper techniques for donning and doffing PPE and for disposal or laundering of PPE.

5. Stay Informed About Developments and Obligations

- a. Review guidance issued by the Department of Agriculture on testing animals for possible SARS-CoV-2 infection, located at <https://www.nj.gov/agriculture/pdf/NJDA%20Testing%20Animals%20for%20SARSCov-2.pdf>, and monitor for updates on an ongoing basis.
- b. Review guidelines and directives issued by the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/community/veterinarians.html> and monitor for updates on an ongoing basis.
- c. Review guidelines and directives issued by the New Jersey Department of Health at https://www.state.nj.us/health/cd/topics/covid2019_professionals.shtml, State Board of Veterinary Medical Examiners, the CDC and the Occupational Safety and Health Administration (OSHA), and monitor for updates on an ongoing basis.
- d. Record any instances of COVID-19 among staff and maintain an appointment book to facilitate contact tracing and submit such information to the Department of Health if requested.

This order shall take effect immediately and shall remain in effect until the end of the public health emergency and the state of emergency declared in EO 103, whichever is later, unless expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs.

A handwritten signature in black ink that reads "Paul Rodríguez". The signature is written in a cursive style with a large, looped initial "P".

Date: June 18, 2020

Paul R Rodríguez, Acting Director